

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM SCOTT,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 24-1307
)	
HOWARD HANNA <i>and</i>)	
UNTOWN ALLIES LLC,)	
)	
Defendants.)	

MEMORANDUM ORDER

Pro se Plaintiff William Scott previously filed a Motion to Proceed In Forma Pauperis and an Amended Motion to Proceed In Forma Pauperis, along with a proposed Complaint, which was lodged pending disposition of the IFP Motions. (Docket Nos. 1; 1-1; 2). After reviewing Plaintiff's IFP Motion and Amended IFP Motion, the Court entered a Memorandum Order on October 1, 2024 (the "October 1st Memorandum Order"), finding that he was without sufficient funds to pay the required filing fee and granting him leave to proceed in forma pauperis. (Docket No. 3 at 1).

As to Plaintiff's proposed Complaint, the Court found that the Complaint, as pled, failed to state a claim on which relief may be granted, and dismissed the Complaint without prejudice to Plaintiff filing an Amended Complaint to the extent that he could state a plausible claim for relief. (Docket No. 3 at 3). If Plaintiff wished to file an Amended Complaint, he was ordered to do so by October 22, 2024, or the case would be closed. (*Id.* at 4). Plaintiff did not file an Amended Complaint by that established deadline, thus the Court entered a Memorandum Order on October

28, 2024 closing the case, along with a final judgment against Plaintiff pursuant to Federal Rule of Civil Procedure 58. (Docket Nos. 6, 7).

On October 29, 2024, Plaintiff filed a proposed Amended Complaint and Exhibits. (Docket Nos. 8, 9). The proposed Amended Complaint, filed one week after the court-ordered deadline of October 22, 2024, is untimely.

It is irrelevant that Plaintiff apparently signed and dated the proposed Amended Complaint on October 22, 2024, and that the mailing envelope is postmarked October 22nd, (*see* Docket Nos. 8 at 4, 10; 8-2), because the Amended Complaint was not received and filed on the District Court's docket until October 29, 2024. Plaintiff's *pro se* status does not excuse this untimely filing. He is not a prisoner entitled to the benefit of the federal "prisoner mailbox rule," *see Houston v. Lack*, 487 U.S. 266, 275-76 (1988) (concluding that a *pro se* prisoner's petition is deemed filed "at the time [he] delivered it to the prison authorities for forwarding to the court clerk"), and there is no prisoner-mailbox-rule equivalent for non-prisoner, *pro se* litigants. *See In re Caterbone*, Civ. No. 21-1169, 2021 WL 2414414, at *3 n.3 (E.D. Pa. June 14, 2021); *Martinez v. City of Reading Prop. Maint. Div.*, Civ. No. 16-1290, 2018 WL 1290087, at *8 n.13 (E.D. Pa. Mar. 13, 2018). As in this case, "[i]f a non-prisoner litigant chooses to send a document by mail to the clerk of court for docketing, the litigant risks that the clerk's office will not receive and docket the document until a date that could exceed the time to act in a particular case." *In re Caterbone*, 2021 WL 2414414, at *3 n.3; *see also Martinez*, 2018 WL 1290087, at *8 n.13 (concluding that a non-prisoner, *pro se* litigant's pleading "was 'filed' when the clerk of court received it and not when [he] purportedly placed it into the mail for its eventual delivery to the clerk of court").

Accordingly, in view of the foregoing, the Court enters the following Order:

AND NOW, this 31st day of October, 2024, given that Plaintiff failed to meet the court-ordered deadline for filing an Amended Complaint, IT IS HEREBY ORDERED that this case will remain closed.

s/ W. Scott Hardy
W. Scott Hardy
United States District Judge

cc/ecf: All counsel of record

William Scott (via U.S. mail)
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